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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,455	12/13/1999	STEVEN E. GARDELL	96-3-511-CON	2494

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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

NOTIFICATION DATE	DELIVERY MODE
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03/31/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/460,455	Applicant(s) GARDELL ET AL.	
	Examiner AARON STRANGE	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9,10,12,50,53-55 and 71-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9,10,12,50,53-55,71-77 and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.

Response to Arguments

2. Applicant's arguments, see pp. 13-14, filed 1/7/08, with respect to the rejection of claim 78 have been fully considered and are persuasive. The rejection of claim 78 has been withdrawn.

3. Applicant's arguments filed 1/7/08 have been fully considered but they are not persuasive.

4. With regard to claims 7, and Applicant's assertion that Mighdoll does not describe the creation of second information comprising both "display information" and "definitions based on the characteristics of the interactive elements" (Remarks, 9-10), the Examiner respectfully disagrees.

As an initial matter, it is noted that the specification describes "definitions" as a "description of graphical user interface elements in a Web page". Mighdoll discloses that the server includes a document transcoder to "automatically revise the code of Web documents retrieved from the remote servers" (col. 5, ll. 10-15). This results in the production of second network information comprising display information and definitions. For example, a web page may be transcoded to form a new document

containing display information (i.e., non-image portions of the Web page) and definitions based on characteristics of interactive elements(i.e., information regarding where to place a blank areas for subsequent replacement with a retrieved image)(col. 10, ll. 6-34). Similarly, the transcoded web pages include other interactive elements such as links to other web pages (col. 6, ll. 27-28), forms or tables (col. 6, l. 50), or image maps (col. 6, ll. 46-47). The transcoded web pages must include definitions describing the location to place these elements on the display screen, in addition to the textual portions of the page.

Applicant presents similar arguments with respect to claims 50 (Remarks, 11) and 71 (Remarks, 12). For at least the reasons discussed above, these arguments are unpersuasive.

5. With regard to claim 71, Applicant also argues that Mighdoll fails to disclose recomposition of the second information to create third information (Remarks, 12), and that the “recomposition as it is used in claim 71 occurs prior to creation of the signal provided to the display device” (Remarks, 12). As an initial matter, it is noted that claim 71 does not indicate that the recomposition occurs prior to creation of the signal. The creation time of the signal does not appear in the claim. The claim merely states that the recomposition occurs to create third information, which is buffered and sent to the display device. Mighdoll discloses that the second information is converted into a video signal before being sent to the display device, since the only connection between the display device and the client device is a video link (col. 4, ll. 20-24).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7, 9, 10, 12, 50 and 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Mighdoll et al. (US 5,918,013).

8. With regard to claim 7, Mighdoll disclosed a method comprising:

retrieving first network information having interactive elements (e.g. web page content) (e.g. the WebTV server retrieves a requested web page from the appropriate web server over the internet, see inter alia Col 2, lines 26-'32, Col 4, line 64 - Col 5, line 9, and Col 5, lines 40-62);

creating second network information based on the first network information, the second network information comprising display information and definitions based on characteristics of the interactive elements (e.g. the WebTV server transcodes the received HTML code, Col 5, lines 10-15, Col 5, lines 59-65, and Col 7, lines 8-49);

transmitting the second network information (e.g. the WebTV server sends the transcoded content to the WebTV client box, Col 2, lines 26-34);

receiving the second network information (e.g. receiving the transcoded content at the WebTV client box, Col 2, lines 26-34);

recomposing the second network information to form third network information (e.g. converting the transcoded content to a TV signal for output from the WebTV client to the user's TV set, Col 4, lines 10-24);

the third network information including the interactive elements (i.e. the original web content is still present however it has passed through two conversions, the transcoding at the WebTV server and then the conversion to a video signal at the WebTV client).

9. With regard to claim 9, Mighdoll disclosed the step of retrieving network information includes the substep of accessing the Internet (e.g. the WebTV server retrieves a requested web page from the appropriate web server over the internet, see inter alia Col 2, lines 26-32, Col 4, line 64 - Col 5, line 9, and Col 5, lines 40-62).

10. With regard to claim 10, Mighdoll disclosed the step of transmitting network information includes the substep of translating the display information from a first format to a second format (e.g. resizing or rescaling images for display, Col 10, lines 39-46).

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11. With regard to claim 12, Mighdoll disclosed receiving user request related to the definitions (e.g. the user can click on links within a webpage and thus requests related HTML code).

12. Claims 50 and 53-55 are rejected using a similar rationale as applied above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 71-77 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mighdoll et al. (US 5,918,013) in view of Slezak (US 6,006,257).

15. With regard to claims 71-72, Mighdoll disclosed a system comprising:

an internet access system connected to the network and configured to receive first requested information, create second requested information based on the first requested information (e.g. the transcoding process) and transmit the second requested information over the network (e.g. the WebTV server retrieves a requested web page from the appropriate web server over the internet, see inter alia Col 2, lines 26-32, Col 4, line 64 - Col 5, line 9, and Col 5, lines 40-62; for the transcoding see inter alia Col 5, lines 10-15, Col 5, lines 59-65, and Col 7, lines 8-49).

a user interface device (WebTV client, Col 4, lines 10-19) connected to the network and a display device (regular television, Col 4, lines 10-19, the user interface device configured to receive digital data signals over the network (e.g. receiving web content), receive the second requested information from the Internet access system over the network, perform recomposition On the second requested information to create third requested information, store the third requested information in a buffer and transmit the third requested information from the buffer to the display device in a display device signal format (e.g. receiving the transcoded content at the WebTV client box, Col 2, lines 26-34 and converting the transcoded content to a TV signal for output from the WebTV client to the user's TV set, Col 4, lines 10-24);

wherein the second requested information is created based on a display capability of the display device (Col 10, lines 39-46).

Mighdoll disclosed the invention substantially as claimed however, Mighdoll failed to specifically recite the use of a hybrid fiber-coax network which provided on-demand video services. Nonetheless Mighdoll disclosed that other types of networks could be used for browsing the web on a television through the use of a set-top box (see inter alia Col 3, lines 48-64). In a similar set-top television web browsing environment Slezak disclosed tile use of a hybrid fiber-coax network for allowing users to browse the web, including the selection of videos through web pages (see inter alia Col 4, line 65 - Col 5, line 54). Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to extend the teachings of Mighdoll to Slezak's hybrid fiber-coax

network, since Mighdoll disclosed other types networks may be utilized and also the use of a hybrid fiber-coax network would typically provide greater bandwidth as compared to dial-up and ISDN networks.

16. With regard to claim 73, Mighdoll disclosed the user interface device includes a browser client (e.g. WebTV client that provides that allows the user to interact with the television and request web content, Col 4, lines 10-40) and the Internet access system includes a browser server having a client interface (e.g. WebTV server that serves client requests, Col 4, lines 64-67 and Col 5, lines 40-65), and wherein the client interface creates the second requested information and transmits the second requested information to the browser client (e.g. the WebTV server transcodes the content and sends it to the WebTV client Col 2, lines 26-34, Col 4, lines 64-67 and Col 5, lines 40-65).

17. With regard to claim 74, Mighdoll disclosed the Internet access system is configured to create the second requested information by scanning the first requested information for interactive elements, removing the interactive elements to create a resulting display signal, encoding the interactive elements and encoding the resulting display signal, and wherein the second requested information includes the encoded interactive elements and the encoded resulting display signal (e.g. At the WebTV server the web content is first scanned and transcoded to 1) correct bugs in documents, 2) correct undesirable effects which occurs when a document is displayed by the client, 3 improve efficiency, 4 match hardware decompression technology, 5) resize images to fit

on the television set, 6) convert documents into other formats etc.Col 7, lines 7-20.

Then at the WebTV client the content is converted into a video signal for viewing on a TV (Col 4, lines 10-24).

18. With regard to claim 75, Mighdoll disclosed the encoded interactive elements are encoded as HTML definitions (e.g. Mighdoll disclosed the transfer of web pages defined in the HTML format Col 6, line 3) and Slezak disclosed the encoded resulting display signal is encoded as at least one MPEG I-frame (Col 4, lines 49-58).

19. With regard to claim 76, Mighdoll disclosed the first requested information comprises a Web-based service accessible via a URL (Col 5, lines 40-48).

20. With regard to claim 77, Mighdoll disclosed the display capability is at least one of a resolution of the display Col 10, lines 39-46). Furthermore Examiner takes official notice that it was widely known in the art at the time of Applicant's invention to transcode content based on the color capabilities of a receiving device in order to ensure that the content will display properly. Thus, it would have been Obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Mighdoll's system to transcode content based on the color capabilities of a receiving device in order to ensure that the content will display properly.

21. With regard to claim 82, Mighdoll disclosed storing user preference information including recently accessed pages or frequently accessed pages (Col 14, lines 42-53).

Allowable Subject Matter

22. Claims 78-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. Claims 83-93 are also allowed since they contain substantially identical limitations to claim 78.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./

Examiner, Art Unit 2153

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153